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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ALTERNATIVE DISCIPLINE PROGRAM</b>			<b>PUBLIC MATTER</b>
<b>Counsel For The State Bar</b>  AGUSTIN HERNANDEZ Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015-2299 (213) 765-1713  Bar # 161625	<b>Case Number(s):</b> 11-O-15770	<b>For Court use only</b>  <b>FILED</b>  JAN 04 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES	
<b>In Pro Per Respondent</b>  STEVEN KENNETH PERRIN 5999 "B" Ridgeview St. Camarillo, CA 93012 (805) 449-1121  Bar # 144539	<b>Submitted to: Assigned Judge</b>  STIPULATION RE FACTS AND CONCLUSIONS OF LAW  <b>ALTERNATIVE DISCIPLINE PROGRAM</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		
<b>In the Matter of:</b> STEVEN KENNETH PERRIN  Bar # 144539  A Member of the State Bar of California (Respondent)			

**Note:** All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted December 14, 1989.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 5.386(D)(2) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 8 pages, excluding the order.

(Effective January 1, 2011)

- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
  - (a) ☐ State Bar Court case # of prior case
  - (b) ☐ Date prior discipline effective
  - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
  - (d) ☐ Degree of prior discipline
  - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☒ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property. See Page 7 of Attachment.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances:**

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**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$            on            in restitution to            without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

See Page 7 of Attachment.

**ATTACHMENT TO STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

**IN THE MATTER OF:                      STEVEN KENNETH PERRIN**

**CASE NUMBER:                              11-O-15770**

**FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

**Case No. 11-O-15770 (Complainant: Alan Langville):**

**FACTS:**

1. On March 22, 2008, Alan Langville ("Langville") employed Respondent to represent him in a wrongful termination matter. Pursuant to the written fee agreement, Langville was required to pay Respondent a flat fee of \$5,000 and \$450 for costs. In addition, Respondent would receive a 40% contingency fee of the gross recovery.
2. On March 26, 2008, Langville paid Respondent \$2,950 toward payment of the flat fee and costs. On June 23, 2008, Langville paid Respondent the remaining balance of \$2,500 for the flat fee and costs.
3. On November 26, 2008, Respondent filed a wrongful termination action on behalf of Langville in Ventura County Superior Court entitled *Alan Langville v. County of Ventura*, case no. 56-2008-00332272-CU-WT-VTA (the "Langville matter").
4. On March 7, 2011, Respondent settled the Langville matter for \$24,999.
5. On March 25, 2011, the County of Ventura issued and sent to Respondent the settlement check in the amount of \$24,999 made payable to Respondent and Langville ("settlement check").
6. Thereafter, Respondent received the settlement check. On April 14, 2011, Langville endorsed the settlement check. On April 14, 2011, Respondent told Langville that the settlement proceeds would be distributed to him the following week.
7. On April 24, 2011, Langville sent an email to Respondent inquiring about the distribution of the settlement funds. On April 25, 2011, Respondent replied to Langville's email indicating that he would contact Langville later that week.
8. On May 6, 2011, Respondent sent an email to Langville indicating that he would distribute his settlement proceeds by May 10, 2011.

9. On May 7, 2011, Respondent deposited the settlement check into his client trust account at Santa Barbara Bank & Trust, account no. xxxx2283 ("CTA"). (The complete account number has been omitted for privacy reasons.)
10. On May 23, 2011, Langville sent an email to Respondent asking him to contact Langville. Respondent received the email but did not respond.
11. On June 30, 2011, Langville sent a letter to Respondent requesting a distribution of his share of the settlement proceeds. Respondent received the letter but did not respond.
12. From April 2011 through June 2011, Langville left numerous telephone messages for Respondent requesting his share of the settlement proceeds and that Respondent call Langville. Respondent received the messages but did not respond until February 1, 2012.
13. On February 1, 2012, Respondent called Langville and told him that he would mail a check to him on that day.
14. On February 1, 2012, Respondent sent Langville check no. 1087 issued from Respondent's CTA in the amount of \$11,000 made payable to Langville. Respondent did not provide a disbursement sheet or any explanation of how he determined that Langville's share of the settlement proceeds was \$11,000.
15. On February 8, 2012, Respondent met with Langville and provided an explanation of the disbursement. Respondent indicated to Langville that he would disburse an additional \$1,500 to Langville.
16. On March 22, 2012, Respondent disbursed an additional \$1,500 to Langville.
17. On August 25, 2011, the State Bar opened an investigation pursuant to a complaint filed by Langville ("Langville complaint").
18. On December 21, 2011, and January 10, 2012, a State Bar Investigator sent letters to Respondent at his address on file in the State Bar's membership records regarding the Langville complaint. The letters were mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business on or about the date on the letters. The State Bar Investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Langville complaint.
19. The United States Postal Service did not return either of the Investigator's letters as undeliverable or for any other reason. Respondent received the letters.
20. At no time did Respondent provide a written response to the allegations of misconduct in the Langville complaint.

### CONCLUSIONS OF LAW:

21. By failing to disburse to Langville his share of the settlement proceeds until February 1, 2012, and March 22, 2012, Respondent, failed to pay promptly, as requested by a client, any funds in Respondent's possession which the client is entitled to receive, in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).
22. By failing to provide Langville with an accounting until February 8, 2012, and at that time, it was only an oral explanation which Langville disputed and resulted in Respondent agreeing to disburse another \$1,500 to Langville, Respondent failed to render appropriate accounts to a client regarding all funds of the client coming into Respondent's possession, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).
23. By failing to respond to Langville's email, letter and telephone messages until February 1, 2012, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).
24. By not providing a written response to the investigator's letters regarding the allegations in the Langville complaint or otherwise cooperate in the investigation of the Langville complaint, Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent, in willful violation of Business and Professions Code, section 6068(i).

### AGGRAVATING CIRCUMSTANCES:

#### Trust Violations:

Langville endorsed the settlement check on April 14, 2011. Respondent did not disburse the settlement proceeds to Langville until February 1, 2012 (\$11,000), and March 22, 2012 (\$1,500).

### MITIGATING CIRCUMSTANCES:

Although Respondent's misconduct is serious, he has no record of prior discipline since being admitted in 1989.

### WAIVER OF VARIANCE BETWEEN NOTICE OF DISCIPLINARY CHARGES AND STIPULATED FACTS AND CONCLUSIONS OF LAW

The parties waive any variance between the Notice of Disciplinary Charges filed on May 31, 2012, and the facts and conclusions of law contained in this stipulation. Additionally, the parties waive the issuance of an amended Notice of Disciplinary Charges. The parties further waive the right to the filing of a Notice of Disciplinary Charges and to a formal hearing on any charge not included in the pending Notice of Disciplinary Charges.

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In the Matter of: STEVEN KENNETH PERRIN	Case number(s): 11-O-15770
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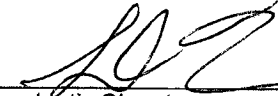
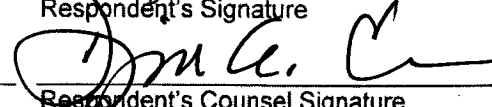
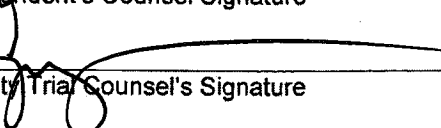
### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

9/13/12		STEVEN KENNETH PERRIN
Date	Respondent's Signature	Print Name
9/17/12		DAVID A. CLARE
Date	Respondent's Counsel Signature	Print Name
September 19, 2012		AGUSTIN HERNANDEZ
Date	Deputy Trial Counsel's Signature	Print Name



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In the Matter of:  
STEVEN KENNETH PERRIN

Case Number(s):  
11-O-15770

### ALTERNATIVE DISCIPLINE PROGRAM ORDER


Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

Date

1-2-13

  
RICHARD A. HONN  
Judge of the State Bar Court

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 4, 2013, I deposited a true copy of the following document(s):

### STIPULATION RE FACTS AND CONCLUSIONS OF LAW

in a sealed envelope for collection and mailing on that date as follows:

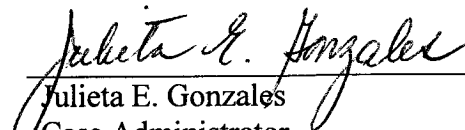
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID ALAN CLARE ESQ  
DAVID A CLARE, ATTORNEY AT LAW  
444 W OCEAN BLVD STE 800  
LONG BEACH, CA 90802

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Agustin Hernandez, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 4, 2013.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court